

GENENTECH 072A2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gerritsen et al.

Appl. No. : 09/940,101

Filed : August 27, 2001

For : ErbB4 ANTAGONISTS

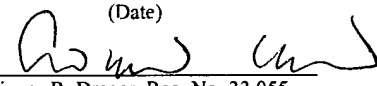
Examiner : Michail A. Belyavskyi

) Group Art Unit 1644

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) Arlington, VA 22202, on

) December 5, 2002

) (Date)

) 
Ginger R. Dreger, Reg. No. 33,055Response to Restriction Requirement

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Dear Sir:

This paper is submitted in response to the Restriction Requirement mailed on November 7, 2002, setting a one-month period for response.

The Examiner found that the present claims are directed to thirteen distinct inventions and required restriction to one under 35 U.S.C. §121. Applicants hereby elect Group II, claims 1-14 and 22-27 with traverse.

Independent claims 1, 28, 46, 57 and 59 are generic to ErbB4 antagonists. However, in making the restriction, the Examiner did not consider any claims to be generic to an ErbB4 antagonist, but rather considered the claims to be directed to antibodies or immunoadhesin. Applicants submit that it would not be an undue burden on the Examiner to consider the generic claims as written and that the distinction between antibodies and immunoadhesins would more properly be addressed through an election of species requirement.

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The present application is considered to be in condition for examination on the merits. If any issues remain, the Examiner is respectfully requested to contact Applicants' counsel at the number provided below in order to resolve such issues promptly

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 5, 2002

By: 

Ginger R. Dreger
Registration No. 33,055
Attorney of Record
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(415) 954-4114

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Case Docket No. GENENT.072A2

Date: December 5, 2002

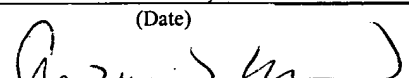
Page 1

In re application of : Gerritsen et al.
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Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.


The fee has been calculated as shown below:

CLAIMS AS FILED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	20	84	= 0 ×	\$18	= \$0
Independent Claims	1	15	= 0 ×	\$84	= \$0
If application has been amended to contain multiple dependent claim(s), then add				\$280	= \$0
Time Extension Fee					\$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0

- (X) Response to Restriction Requirement in 2 pages.
- (X) Return prepaid postcard.
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